

Attorney Docket No. R0547/7007 (ERG/KA)

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE  
BY HMG-CoA REDUCTASE INHIBITORS

the specification of which is attached hereto unless the following is checked:

[X] was filed on March 19, 1999, as United States Application No. 09/273,445

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign PCT International Application(s) and any priority claims under 35 U.S.C. §§119 and 365(a), (b):

(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	Priority Claimed
			[ ] [ ]
			YES NO
(Number)	(Country)	(DD/MM/YY Filed)	[ ] [ ]
			YES NO
(Number)	(Country)	(DD/MM/YY Filed)	[ ] [ ]
			YES NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application Number)	(filing date)
(Application Number)	(filing date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56

which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>09/132,848</u>	<u>August 11, 1998</u>	<u>Pending</u>
(Application No.)	(filing date)	(status-patented, pending, abandoned)
<u>(Application No.)</u>	<u>(filing date)</u>	<u>(status-patented, pending, abandoned)</u>

PCT International Applications designating the United States:

<u>(PCT Appl. No.)</u>	<u>(U.S. Ser. No.)</u>	<u>(PCT filing date)</u>	<u>(status-patented, pending, abandoned)</u>
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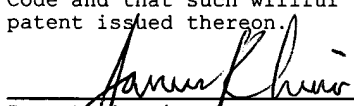
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David Wolf	17,528	Peter C. Lando	34,654	Michael G. Verga	39,410
George L. Greenfield	17,756	Gary S. Engelson	35,128	Robert E. Rigby, Jr.	36,904
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Address all telephone calls to FILL IN at telephone no. (617) 720-3500. Address all correspondence to

Edward R. Gates  
c/o Wolf, Greenfield & Sacks, P.C.,  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2211

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Inventor's signature  
Full name of first inventor  
Citizenship  
Residence  
Post Office Address

James K. Liao  
US  
12 Audubon Rd., Weston, MA 02193  
SAME AS ABOVE

6/25/99  
Date

Inventor's signature  
Full name of second inventor  
Citizenship  
Residence  
Post Office Address

Ulrich Laufs  
Germany  
Köln, Germany  
SAME AS ABOVE

Date

Inventor's signature  
Full name of third inventor  
Citizenship  
Residence  
Post Office Address

Matthias Endres  
Germany  
Berlin, Germany  
SAME AS ABOVE

Date

\_\_\_\_\_  
Inventor's signature

Full name of fourth inventor

Citizenship

Residence

Post Office Address

Michael A. Moskowitz

US

257 Prospect St., Belmont, MA 02178

SAME AS ABOVE

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Date



Attorney Docket No. R0547/7007 (ERG/KA)

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<u>(PCT Appl. No.)</u>	<u>(U.S. Ser. No.)</u>	<u>(PCT filing date)</u>	<u>(status-patented, pending, abandoned)</u>
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Inventor's signature		Date
Full name of first inventor	James K. Liao	
Citizenship	US	
Residence	12 Audubon Rd., Weston, MA 02193	
Post Office Address	SAME AS ABOVE	
<i>Dr. Ulrich Lauf</i>		5-31-1999
Inventor's signature		Date
Full name of second inventor	Ulrich Laufs	
Citizenship	Germany	
Residence	Kyllburger Str. 5, 50937 Köln, Germany	
Post Office Address	SAME AS ABOVE	
Inventor's signature		Date
Full name of third inventor	Matthias Endres	
Citizenship	Germany	
Residence	Berlin, Germany	
Post Office Address	SAME AS ABOVE	

Inventor's signature

Full name of fourth inventor

Citizenship

Residence

Post Office Address

Michael A. Moskowitz

US

257 Prospect St., Belmont, MA 02178

SAME AS ABOVE

Date



Atty. Docket No. R0547/7007(ERG/KA)

Applicants: LIAO, James K.; LAUFS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.  
Filing Date: March 19, 1999  
Serial No.: 09/273,445  
For: UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE  
BY HMG-CoA REDUCTASE INHIBITORS

**DECLARATION CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The General Hospital Corporation  
ADDRESS OF ORGANIZATION: Boston, Massachusetts 02114

**TYPE OF ORGANIZATION:**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OR STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE)  
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled **Upregulation of Type III Endothelial Cell Nitric Oxide Synthase By HMG-CoA Reductase Inhibitors** by inventor(s), Liao et al., described in

☒ application serial no. 09/273,445 filed March 19, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☒ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The Brigham and Women's Hospital, Inc.  
ADDRESS 75 Francis Street  
Boston, MA 02115

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME RePharma, Inc.  
ADDRESS 58 Charles St.  
Cambridge, MA 02141

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David J. Glass, Ph.D.  
TITLE IN ORGANIZATION: Associate Director for Patents  
ADDRESS OF PERSON SIGNING: Office of Technology Affairs  
Massachusetts General Hospital East  
13th Street, Building 149, Suite 1101  
Charlestown, MA 02129

SIGNATURE 

DATE June 8, 1999





Atty. Docket No. R0547/7007(ERG/KA)

Applicants: LIAO, James K.; LAUFS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.  
Filing Date: March 19, 1999  
Serial No.: 09/273,445  
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BY HMG-COA REDUCTASE INHIBITORS

**DECLARATION CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Brigham and Women's Hospital, Inc.  
ADDRESS OF ORGANIZATION 75 Francis Street  
Boston, MA 02115

**TYPE OF ORGANIZATION:**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
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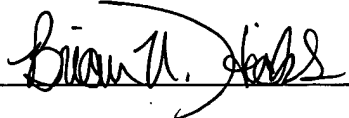
FULL NAME RePharma, Inc.  
ADDRESS 58 Charles St.  
Cambridge, MA 02141  
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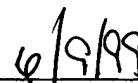
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NAME OF PERSON SIGNING: Mr. Brian N. Hicks  
TITLE IN ORGANIZATION: Director, Ventures Department  
NAME OF ORGANIZATION: The Brigham and Women's Hospital, Inc.  
ADDRESS OF PERSON SIGNING: 75 Francis St., Boston, MA 02115

SIGNATURE



DATE





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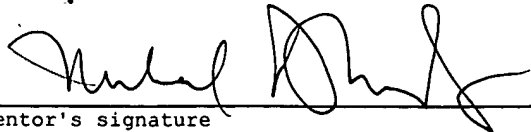
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Inventor's signature		Date
Full name of first inventor	James K. Liao	
Citizenship	US	
Residence	12 Audubon Rd., Weston, MA 02193	
Post Office Address	SAME AS ABOVE	

Inventor's signature		Date
Full name of second inventor	Ulrich Laufs	
Citizenship	Germany	
Residence	Köln, Germany	
Post Office Address	SAME AS ABOVE	

Inventor's signature		Date
Full name of third inventor	Matthias Endres	
Citizenship	Germany	
Residence	Berlin, Germany	
Post Office Address	SAME AS ABOVE	



Inventor's signature

Full name of fourth inventor

Citizenship

Residence

Post Office Address

Michael A. Moskowitz

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257 Prospect St., Belmont, MA 02178

SAME AS ABOVE

5/24/99

Date



Atty. Docket No. R0547/7007(ERG/KA)

Applicants: LIAO, James K.; LAUFS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.  
Filing Date: March 19, 1999  
Serial No.: 09/273,445  
For: UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE  
BY HMG-COA REDUCTASE INHIBITORS

**DECLARATION CLAIMING SMALL ENTITY STATUS  
(SMALL BUSINESS CONCERN)**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on  
behalf of the concern identified below:

NAME OF CONCERN: RePharma, Inc.  
ADDRESS OF CONCERN: 58 Charles Street  
Cambridge, MA 02141

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE BY HMG-COA REDUCTASE INHIBITORS by inventor, LIAO, James K., described in

☒ application serial no. 09/273,445 filed March 19, 1999.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☒ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The Brigham and Women's Hospital, Inc.  
ADDRESS 75 Francis Street  
Boston, MA 02115

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME The General Hospital Corporation  
ADDRESS Boston, Massachusetts 02114

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Eyal S. Ron, Ph.D.  
TITLE IN ORGANIZATION: Chief Scientific Officer  
NAME OF ORGANIZATION: RePharma, Inc.  
ADDRESS OF PERSON SIGNING: 58 Charles Street  
Cambridge, MA 02141

SIGNATURE



DATE

6/10/99



Attorney Docket No. R0547/7007 (ERG/KA)

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which is attached hereto unless the following is checked:

[X] was filed on March 19, 1999, as United States Application No. 09/273,445

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign PCT International Application(s) and any priority claims under 35 U.S.C. §§119 and 365(a), (b):

(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	Priority Claimed
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application Number)	(filing date)
(Application Number)	(filing date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56



which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>09/132,848</u>	<u>August 11, 1998</u>	<u>Pending</u>
(Application No.)	(filing date)	(status-patented, pending, abandoned)
(Application No.)	(filing date)	(status-patented, pending, abandoned)

PCT International Applications designating the United States:

<u>(PCT Appl. No.)</u>	<u>(U.S. Ser. No.)</u>	<u>(PCT filing date)</u>	<u>(status-patented, pending, abandoned)</u>
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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